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**PATENT**  
Attorney Docket No. 218748  
Client Reference No. E-057-1994/2-US-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of:

Kawakami et al.

Application No. 09/898,860

Filed: July 3, 2001

Art Unit: 1642

Examiner: S.J. Huff

For: MELANOMA ANTIGENS AND THEIR  
USE IN DIAGNOSTIC AND  
THERAPEUTIC METHODS

**SPECIAL PROCEDURES SUBMISSION**

**PETITION PURSUANT TO 37 CFR § 1.313(e) TO  
WITHDRAW AN APPLICATION FROM ISSUE**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


In response to the Notice of Drawing Inconsistency with Specification dated April 23, 2004, a copy of which is enclosed herewith, Applicants petition to withdraw this application from issue pursuant to 37 CFR 1.313(c) and submit the appropriate fee pursuant to 37 CFR 1.17(h). Applicants also submit a Request for Continued Examination, an Amendment, and the appropriate fee pursuant to 37 CFR 1.17(e).

The Commissioner is authorized to charge any extension of time fees pursuant to 37 CFR 1.17(a)-(d) associated with this communication and to credit any excess payment to Deposit Account No. 12-1216. A duplicate copy of this petition is attached for this purpose.

06/01/2004 CKHLOK 00000005 121216 09898860

01 FC:1460 130.00 DA

Respectfully submitted,

  
John Kilyk, Jr., Reg. No. 30,763  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, IL 60601-6780  
Telephone: (312) 616-5600  
Facsimile: (312) 616-5700

Date: May 24, 2004

see sheet

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application No.	09/898,860
	Filing Date	July 3, 2001
	First Named Inventor	Kawakami
	Group Art Unit	1642
	Examiner Name	S.J. Huff
	Attorney Docket No	218748

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of References listed in Form PTO-1449  
(except for U.S. patents and applications)
- vi. ☒ Other: Petition to Withdraw from Issue and  
Notice of Drawing Inconsistency

**2. Miscellaneous**

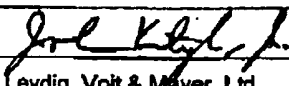
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period  
of months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(l) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A  
duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☐ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)
- iii. ☐ Petition for an extension of time for the period noted above, as well as for any  
additional period necessary to render the present submission timely. Please charge  
Deposit Account No. 12-1216 for the appropriate petition fee.
- iv. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(l))
- v. ☒ Other: Fee for Petition to Withdraw from Issue (37 CFR 1.313(c))
- 130.00
- Total amount to be charged to Deposit Account** 900.00

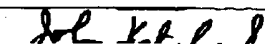
- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to  
credit any overpayments to Deposit Account No. 12-1216

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	John Kilyk, Jr.	Registration No. (Attorney/Agent)	30,763
Signature		Date	May 24, 2004
Address	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Statton Avenue Chicago, Illinois 60601-6780	Phone	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this RCE Transmittal is, on the date indicated below, ☐ being deposited with the United States Postal Service as first class mail  
in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☒ being facsimile  
transmitted to the U.S. Patent and Trademark Office, Attention: Examiner S.J. Huff, Art Unit 1642, Facsimile Number (703) 872-9306.

Name (Print/Type)	John Kilyk, Jr.
Signature	
Date	May 24, 2004

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